

## REMARKS

The Office Action of November 1, 2005 has been studied in detail along with the references applied as cited by the Examiner. In response, the withdrawn claims (Claims 1-6, and 40-41) have been canceled without prejudice, claim 42 has been canceled, other claims amended (Claims 7, 16, 22, 23, 28, 29, 43, 44, and 46), and new claims (Claims 47-53) have been added. The pending claims should be read in conjunction with the accompanying arguments in support of patentability. Further examination and reconsideration of the application as amended are respectfully requested.

### The Office Action

Claim 22 was rejected under 35 U.S.C. §112, ¶2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7, 9, 10, 16, 28, 29, 35, 38, 39, 42 and 43 were rejected under 35 U.S.C. §102(e), as being anticipated by Fast, et al. (6,868,629).

Claims 7-15, 29, 35 and 37-39 were rejected under 35 U.S.C. §102(b) as being anticipated by Brinkman (5,899,011).

Claims 17-21 and 44-46 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fast, et al. in view of Thompson (4,557,064).

Claims 16-21, 23 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kump, et al. (6,026,603) in view of Greenberger (4,373,693).

Claims 24 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kump, et al. in view of Greenberger and further in view of Gray (D453,798).

Claim 26 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kump, et al. in view of Greenberger and Gray and further in view of Thompson.

Claims 28 and 42-46 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brinkman (5,899,011) in view of Kump, et al.

Claim 36 was rejected under 35 U.S.C. §103(a) as being unpatentable over Brinkman in view of Wildrick (6,470,613).

#### Rejections Under 35 U.S.C. §102(e)

The Examiner rejected Claims 7, 9, 10, 16, 28, 29, 35, 38, 39, 42 and 43 under 35 U.S.C. §102(e) as being anticipated by Fast, et al. The Fast reference discloses a label holder including a body panel connected at its lower edge by a resilient hinge to a transparent cover member to form an openable pocket for labels therebetween. Fast, et al. describes a single rearwardly extending clip having an upwardly extending arm (70A) and a downwardly extending arm (70B) of the rear panel element (70) being snappingly engaged between the upper and lower lips of a C channel (78) as seen in Figure 3 (column 4, lines 40-47).

In contrast, amended Claim 7 recites a first clip member extending rearwardly away from the rear surface and a second clip member extending rearwardly away from the rear surface. In addition, amended Claim 7 recites a downwardly extending arm extending from said stem and disposed adjacent said distal end of said stem wherein said downwardly extending arm is disposed at an acute angle in relation to said stem.

Amended Claim 16 now recites a clip having a first portion secured to said rear surface of said body panel proximal to said lower end, said clip extending rearwardly away from said body panel rear surface.

Independent Claim 28 has been amended and now recites a first clip member extending rearwardly away from said rear surface of said body panel and a second clip member extending rearwardly away from said rear surface of said body panel and the first and second clip members cooperate to selectively hold a projecting portion of an associated shelf.

Independent Claim 29 has been amended and now recites said front panel including a first sign holder. The label holder further includes a first gripping member extending rearwardly from said rear panel for selectively securing the label holder to an associated merchandising shelf, and, a second gripping member extending rearwardly from said rear panel, said second gripping member being spaced from said first gripping member, wherein said first and second gripping members are of one piece with a first portion of said rear panel.

None of the aforementioned structures, recited in independent Claims 7, 16, 28 and 29, are shown in Fast, et al. Fast, et al. does not describe or show two rearwardly extending clip members Additionally, Fast, et al. does not describe a clip having a first portion secured to the rear panel proximal to the lower end thereof. Finally the applied reference does not show a second clip with a downwardly extending arm disposed at an acute angle in relation to a stem. Applicants submit that the pending independent Claims 7, 16, 28 and 29, and all claims dependent therefrom, are not anticipated by

Fast, et al. for at least the reasons set forth above, and are allowable over this record art. Applicants accordingly request reconsideration and allowance thereof.

The Examiner next rejected Claims 7-15, 29, 35 and 37-39 under 35 U.S.C. §102(b) as being anticipated by Brinkman.

Applicants have amended independent Claim 7 to recite a downwardly extending arm extending from said stem and disposed adjacent said distal end of said stem wherein said downwardly extending arm is disposed at an acute angle in relation to said stem. Brinkman does not have a downwardly extending arm extending from the stem. Furthermore, independent Claim 29 has been amended to recite a front panel secured to said rear panel along a bottom edge of said front panel, said front panel including a first sign holder. Brinkman does not describe a sign holder as part of the cover panel (front panel). Applicants submit that independent Claims 7 and 29, and all claims dependent therefrom, are not anticipated by Brinkman for at least the reasons set forth above, and are allowable over this record art.

#### Rejections Under 35 U.S.C. §103(a)

The Examiner next rejected Claims 17-21 and 44-46 under 35 U.S.C. §103(a) as being unpatentable over Fast, et al. in view of Thompson.

As discussed above, Fast, et al. does not anticipate nor make obvious Applicant's invention as recited in amended independent Claims 16 and 29. The arguments raised above are equally appropriate here and will not be repeated. Furthermore, combining Fast, et al. with Thompson, even if suggested, would not result in a clip proximal to a lower end of the body panel as recited in Claim 16. Claims 17-

21, dependent from Claim 16, recite additional limitations not anticipated nor made obvious by Fast et al. in view of Thompson.

In addition, independent Claim 29 recites a first and second gripping members extending rearwardly from the rear panel for selectively securing the label holder to an associated merchandising shelf. Combining Fast et al. with Thompson would not result in first and second gripping members extending rearwardly from the rear panel. Claims 44 and 46 have been amended and are now dependent upon independent Claim 29. Claim 45 remains dependent upon Claim 29. These claims further recite additional limitations not anticipated nor made obvious by Fast, et al. or Thompson, either singly or in combination. Consequently, Claims 17-21 and 44-46 define over any fair teachings attributable to the cited references.

The Examiner next rejected Claims 16-21, 23 and 27 as being unpatentable over Kump, et al. in view of Greenberger.

The references contain no motivation or suggestion to combine the references. Furthermore, Greenberger teaches away from Kump, et al. In particular, Greenberger teaches a clip and "at least two diametrically opposed rounded corners 35 are provided thereon to facilitate its attachment to a shelf molding 36". The mounting device "includes first resilient roughly rectangular 42 member which can be snapped in a channel of a shelf molding 36". (Column 2, lines 14-31). As such, the two alternative mounting arrangements described in Greenberger relate to mounting a molding clip directly to the shelf molding. Combining Greenberger with Kump, et al. would not provide a second sign holder selectively mounted to the Kump cover panel. In particular, Greenberger's two alternative mounting members could not successfully

mount to the cover panel (28) as shown in Kump, et al. Kump has no structure akin to the Greenberger shelf molding 36. Thus, if one attempted to mount the Greenberger clip to the Kump cover panel 28, or the card holder 52, the Greenberger clip would simply fall away. Consequently, independent Claim 16, and all claims dependent therefrom, define over any fair teachings attributable to the references either taken singly or in combination.

The Examiner next rejected Claims 24 and 25 under 35 U.S.C. §103(a) as being unpatentable over Kump, et al. in view of Greenberger as to Claim 17 above, and further in view of Gray.

The arguments discussed above are equally appropriate here and will not be repeated. Gray, similar to Greenberger, shows a sign holder adapted for mounting to the shelf molding. Combining Greenberger and/or Gray with Kump, et al. would not result in a first sign holder mounted to a cover panel and a second sign holder that could be successfully mounted to a cover panel as recited in independent Claim 16. Dependent Claims 24 and 25 recite further limitations which distinguish these claims from the cited references either taken singly or in combination.

The Examiner next rejected Claim 26 under 35 U.S.C. §103(a) as being unpatentable over Kump, et al. in view of Greenberger and Gray as applied to Claim 24 above, and further in view of Thompson. As discussed above, there is no motivation nor suggestion to combine these references. Only Applicant's disclosure provides for a first and second sign holder mounted to the cover panel. Greenberger, Gray, and Thompson merely describe alternative sign holders for mounting directly to a shelf

molding . Consequently, Claim 26 defines over any fair teachings attributable to the references either taken singly or in combination.

The Examiner next rejected Claims 28 and 42-46 under 35 U.S.C. §103(a) as being unpatentable over Brinkman in view of Kump, et al. Combining Brinkman with Kump, et al is not suggested. In particular mounting the Kump display card holder 52 to the cover (20) of Brinkman would prevent the cover from closing against the body panel (15) thereby not allowing Brinkman to function to hold a label between the body panel and the cover. Note that Kump has a front panel 28 which is taller than the rear panel 20. But such a taller front panel could not be imported into Brinkman since then it would interfere with ledge member 86 which extends forwardly form Brinkman's body panel 15.

Furthermore, as to dependent Claims 43-46, these claims further recite a second sign holder selectively securable to a portion of the front panel. Combining Brinkman with Kump, et al. even though not suggested, would not result in a second sign holder securable to a portion of the front panel as recited in dependent Claims 43-46. Consequently, independent Claim 28, and Claims 43-46, define over any fair teachings attributable to the references either taken singly or in combination.

The Examiner next rejected Claim 36 under 35 U.S.C. §103(a) as being unpatentable over Brinkman in view of Wildrick.

Dependent Claim 36 is dependent upon independent Claim 29. Independent Claim 29 recites a label holder with first and second spaced gripping members. The arguments discussed above are equally appropriate here, and will not be repeated.

Brinkman in view of Wildrick, does not anticipate nor make obvious Applicant's invention as recited in independent Claim 29 and dependent Claim 36 therefrom.

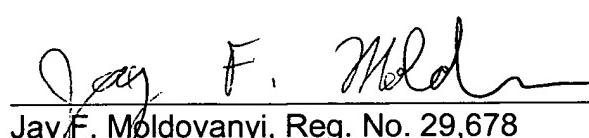
Applicant has added new Claims 47-53. Claims 48-53 are either directly or indirectly dependent upon independent Claim 47. Claim 47 recites first and second clip members extending away from a rear surface of a body panel. The clips are spaced from each other to define a pocket between them. The second clip member is approximately arrow shaped in cross section and comprises a stem and a head. The head includes a first arm and a second arm. A cover panel is connected to the body panel. Claims 48-52 provide further limitations to the first and second clip members. All of these claims are supported by the specification (for example, pages 7 and 8) and the figures as originally filed and are not anticipated nor made obvious by the references of record.

All formal and informal matters having been addressed, this application is in condition for allowance. Early Notice to that effect is solicited.

Respectfully submitted,

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Date

  
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